

REMARKS

Claim rejections under 35 U.S.C. § 102

In item 2, claims 1-45 are rejected as being anticipated by Hsieh.

Applicant respectfully traverses the rejection of all the claims in light of Hsieh. However, Applicant has amended claim 1 in light of Hsieh. Amended claim 1 now includes the subject matter of claims 2, 3, 4, 6 and 8. The claim now states that the invention is the ability to organize the search results so that only new data is being stored in an incremental manner in the database.

In contrast, Hsieh teaches that a search is a one time event that has no relationship to any other search that has been performed. Thus, Hsieh does not teach that the search results are accumulated so that the database only shows unique items that are not repeated. In contrast, Hsieh teaches away from the present invention because each search will find and report every item matching the search criteria, regardless of any previous search that was performed. Disadvantageously, the user must then look through all the search results to find any new items.

Claim 16 is rejected for having a database, and for having a search scheduler and balancer for controlling the number of searches being performed at any given time to avoid overloading system resources as apparently shown in figures 36 and 38.

Applicant respectfully traverses the rejection of claim 16. No ability to control the number of searches being performed is taught by Hsieh. This is especially true because Hsieh does not teach multiple automatic searches as does the present invention. Accordingly there is no need to perform system balancing because Hsieh does not and

cannot perform this function.

Independent claim 19 is rejected on the assertion that Hsieh teaches all of the elements of this claim.

Applicant respectfully traverses the rejection of claim 19. Nowhere does Hsieh even mention the concept of using the technology to offer products or services for sale. Hsieh exclusively teaches the concept of looking for products for sale, not the reverse. Accordingly, claim 19 is arguably allowable over the cited prior art.

Independent claims 28 and 43 are rejected on the assertion that Hsieh teaches all of the elements of these claims.

Applicant respectfully traverses the rejection of claims 28 and 43. Claims 28 and 43 have been amended in the same manner as claim 1, and are therefore arguably allowable for the same reasons given in support of claim 1.

Claim 2 is rejected in light of paragraph [0080] of Hsieh.

Applicant respectfully traverses the rejection of claim 2. The email is not used to report search results to a user. The email is provided as a means of sending feedback to the provider of the search service. Feedback is not the same as receiving search results.

Claim 3 has been canceled.

Claim 4 has been canceled.

Claim 5 is rejected in light of item 4422 in figure 44.

Applicant respectfully traverses the rejection of claim 5. Figure 44 does not teach time stamping of data. A timer is being used to determine when to stop searching. A timer either expires, or all shopping agents have completed their searches. This has

nothing to do with time stamping of the data being found. No data is time stamped because Hsieh fails to teach the concept of only storing new data as incremental search results, as now claimed in the independent claims.

Claim 6 is rejected in light of figures 44 and 45.

Applicant respectfully traverses the rejection of claim 6. Applicant has not been able to identify anything in either figure that teaches anything to do with returning search results via email, or to only send incremental results instead of all results. Applicant respectfully requests that any such language be identified.

Claim 7 is rejected in light of figure 44 and 45.

Applicant respectfully traverses the rejection of claim 7. Applicant has not been able to identify anything in either figure that teaches anything to do with batching of search results. Applicant respectfully requests that any such language be identified.

Claim 8 is rejected in light of paragraph [0367]

Applicant respectfully traverses the rejection of claim 8. Paragraph [0367] states that an array storing prices of items found in a search will be sorted. This feature has nothing to do with actually performing a search more than once.

Claim 10 is rejected in light of various paragraphs.

Applicant respectfully traverses the rejection of claim 10 as it is now arguably dependent upon an allowable base claim.

Claim 11 is rejected in light of various paragraphs.

Applicant respectfully traverses the rejection of claim 11 as it is now arguably dependent upon an allowable base claim.

Claim 12 is rejected in light of various paragraphs.

Applicant respectfully traverses the rejection of claim 12 as it is now arguably dependent upon an allowable base claim.

Claim 13 is rejected in light of various paragraphs.

Applicant respectfully traverses the rejection of claim 13 as it is now arguably dependent upon an allowable base claim.

Claim 14 is rejected in light of paragraphs [008]0 and [0373].

Applicant respectfully traverses the rejection of claim 14. The email is not used to report search results to a user. The email is provided as a means of sending feedback to the provider of the search service. Feedback is not the same as receiving search results.

Claim 15 is rejected in light of various paragraphs.

Applicant respectfully traverses the rejection of claim 15 as it is now arguably dependent upon an allowable base claim.

Claim 20 is rejected in light of various paragraphs.

Applicant respectfully traverses the rejection of claim 20 as it is now arguably dependent upon an allowable base claim.

Claims 9, 13, 14, 17, 18, 21-27, 29-42, 44 and 45 are rejected in light of various paragraphs.

Applicant traverses the rejection of these claims for the various reasons given in support of the claims above, and in light of the amendments to the independent claims.

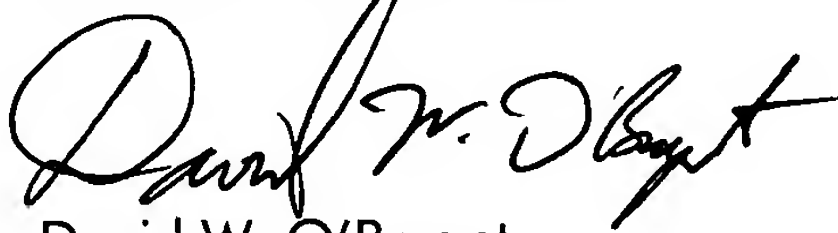
Conclusion

In light of the statements above, Applicant respectfully requests issuance of claims 1, 5, 7, 9-29, 32, 34, 36-43 and 45. If any impediment to the allowance of these claims remains after entry of this Amendment, and such impediment could be alleviated during a telephone interview, the examiner is invited to call David W. O'Bryant at (801) 478-0071 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-088

DATED this 8th day of September, 2006.

Respectfully submitted,



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